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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Item 11 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 1 June 1996 and 1 June 1997 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the forty-ninth session of the Sub-Commission (E/CN.4/Sub.2/1997/1/Add.1).

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 1997, 136 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date 138 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights and 92 States had ratified or acceded to the Optional Protocol to the latter. Additionally, 45 States had made the declaration envisaged under article 41, paragraph 1, of the International Covenant on Civil and Political Rights.

3. The Second Optional Protocol aiming at the abolition of the death penalty, which was adopted and opened for signature, ratification or accession by the General Assembly in resolution 44/128 of 15 December 1989, entered into force on 11 July 1991 in accordance with the provisions of its article 8. As at 1 June 1997, there were 30 States parties to that Protocol.

Committee on Economic, Social and Cultural Rights

4. At its fifteenth and sixteenth sessions, held in November-December 1996 and in April-May 1997 respectively, the Committee considered 10 reports submitted under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights.

5. During its fifteenth session, the Committee adopted a Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights, which is modelled after the High Commissioner's Plan of Action for the Implementation of the Convention on the Rights of the Child. The Committee called upon the Office of the High Commissioner, States parties and all other interested parties to support this Programme of Action.

6. Also during its fifteenth session, the Committee continued and concluded its consideration of a draft optional protocol providing for the right of individuals or groups to submit communications concerning non-compliance with the Covenant, as recommended by the World Conference on Human Rights (see E/C.12/1996/SR.44-49 and 54). The Committee presented a report on this matter to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/105).

7. During its sixteenth session, the Commitee finalized and adopted General Comment No. 7 (1997) on "The right to adequate housing (art. 11 (1) of the Covenant): forced evictions". Additionally, the Committee established an informal, in-session working group to discuss the backlog of reports (24 reports are pending consideration) and a better focused dialogue with States parties.

8. Also during its sixteenth session, the Committee adopted a decision to send two of its members, Mr. Philippe Texier and Mr. Javier Wimer Zambrano, to visit the Dominican Republic and pursue the Committee's dialogue with the Government, to observe in situ the situation of economic, social and cultural rights and, in particular, focus on matters relating to the implementation of the right to housing. The Committee expressed its strong appreciation to the Government of the Dominican Republic for its willingness to cooperate with it. The mission is to take place from 19 to 27 September 1997. A report on the mission is to be submitted to the Committee at its seventeenth session.

9. The Committee also requested that appropriate action be taken by the Economic and Social Council in order to enable the Committee on Economic, Social and Cultural Rights to have an extraordinary session and pre-sessional working group in 1998; to hold its nineteenth regular session in New York; and to ensure that honorariums are paid to its members as is the case for members of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. Additionally, the Committee requested that an extraordinary meeting of its pre-sessional working group be held immediately before its eighteenth session to discuss a number of draft general comments defining the contents of articles of the Covenant.

10. The Committee's report on its fourteenth and fifteenth sessions (E/1997/22-E/C.12/1996/6) will be submitted to the Economic and Social Council at its substantive session of 1997 in July.

Human Rights Committee

11. During its fifty-seventh, fifty-eighth and fifty-ninth sessions held in July, October-November 1996 and March-April 1997 respectively, the Committee considered 11 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights, and two reports received pursuant to a special decision by the Committee.

12. At its fifty-seventh session the Committee adopted General Comment No. 25 (57) relating to article 25 of the Covenant (right to participate in the conduct of public affairs).

13. During the three sessions, the Committee also adopted 29 Views under article 5, paragraph 4, of the Optional Protocol to the Covenant, 16 decisions declaring complaints admissible and 10 decisions declaring complaints inadmissible.

14. A report on the Committee's fifty-fifth to fifty-seventh sessions was submitted to the General Assembly at its fifty-first session (A/51/40) and a report on its fifty-eighth to sixtieth sessions will be submitted to the General Assembly following the Committee's sixtieth session in July 1997.

Commission on Human Rights

15. The Commission, at its fifty-third session, adopted decision 1997/104 of 3 April 1997 concerning the status of the International Covenants on Human Rights. The Commission decided, inter alia, to request the Secretary-General to transmit the text of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, contained in document E/CN.4/1997/105, to Governments and intergovernmental and non-governmental organizations for their comments for submission to the Commission on Human Rights at its fifty-fourth session.

16. In accordance with several General Assembly and Commission on Human Rights resolutions encouraging States to adhere to international human rights instruments and to comply with the reporting obligations therein and, to this end, to avail themselves of the assistance of the High Commissioner/Centre for Human Rights, the latter has planned to organize a second meeting on universal adherence to the principal international human rights instruments for countries from the Asian-Pacific region in Amman, in September 1997. (The first one was organized for countries from the African region in Addis Ababa from 14 to 17 May 1996.) In addition, seminars and training courses on reporting procedures are regularly organized under the fellowship programme of the High Commissioner/Centre for Human Rights in collaboration with the International Training Centre of the International Labour Organization. Thus a training course for countries from different regions was organized in Turin and a regional training course for Spanish-speaking countries was organized in Mar del Plata (Argentina), both in November 1996. Other training courses are

being organized or planned: one for English-speaking countries from the African region to be held in Addis Ababa in July 1997, one for French- and Portuguese-speaking countries from Africa to be held in Antananarivo in December 1997 and another one for Eastern European and Central Asian countries of the Commonwealth of Independent States to be held in Budapest, in October or November 1997. It may be noted that several country projects developed under the Programme of Advisory Services and Technical Assistance of the High Commissioner/Centre for Human Rights include national training courses on reporting obligations under international human rights instruments.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

17. At 1 June 1997, 148 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination.

Committee on the Elimination of Racial Discrimination

18. During its forty-ninth and fiftieth sessions, held in August 1996 and March 1997 respectively, the Committee considered reports submitted by 23 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in 19 States parties whose reports were seriously overdue. Under its early-warning and urgent procedures, the Committee adopted three decisions and one resolution at its forty-ninth session. With respect to communications under article 14 of the Convention, the Committee took no decisions. The Committee discussed the programme of action for the Third Decade to Combat Racism and Racial Discrimination at each session and, during a meeting between the bureaux of the Committee and the Sub-Commission on Prevention of Discrimination and Protection of Minorities at the forty-ninth session, it was decided to appoint experts from the respective bodies to draft a joint study on article 7 of the Convention on human rights education.

19. At its forty-ninth session, the Committee adopted General Recommendation XXII (49) on the application of article 5 to refugees and displaced persons.

General Assembly

20. A report on the Committee's forty-eighth and forty-ninth sessions was submitted to the General Assembly at its fifty-first session (A/51/18) and a report on the Committee's fiftieth and fifty-first sessions will be submitted to the General Assembly at its fifty-second session following the Committee's fifty-first session in August 1997.

21. At its fifty-first session, the General Assembly adopted resolution 51/80 of 12 December 1996, concerning the report of the Committee on the Elimination of Racial Discrimination, in which it urged all States that had not yet ratified or acceded to the Convention to do so as soon as possible; strongly appealed to all States parties that were in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention; commended the Committee for its contribution to the

prevention of racial discrimination, including early-warning measures and urgent procedures; welcomed the cooperation and exchange of information of the Committee with relevant structures and mechanisms of the United Nations and encouraged their continuation in the future, including with the High Commissioner for Human Rights of the United Nations. The Assembly also encouraged the use of innovative procedures by the Committee for reviewing the implementation of the Convention in States whose reports were seriously overdue and the formulating of concluding observations on reports of States parties to the Convention.

III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

22. At 1 June 1997, the Convention had been ratified or acceded to by 102 States.

Committee against Torture

23. At its seventeenth and eighteenth sessions, held in November 1996 and April-May 1997 respectively, the Committee against Torture considered 12 reports submitted to it under article 19 of the Convention and one special report requested by the Committee as a matter of urgency. It also continued in closed meeting its activities under articles 20 (inquiries) and 22 (individual communications) of the Convention. During its two sessions, the Committee took one decision declaring a communication inadmissible and adopted six Views under article 22 of the Convention. A report of the Committee's seventeenth and eighteenth sessions will be submitted to the General Assembly at its fifty-second session.

Commission on Human Rights

24. The Commission, at its fifty-third session, adopted resolution 1997/38 of 11 April 1997, concerning torture and other cruel, inhuman or degrading treatment or punishment. In its resolution, the Commission, inter alia, urged all States to become parties to the Convention as a matter of priority; invited all States ratifying or acceding to the Convention and those States parties that had not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20; encouraged the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible; and welcomed the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of State party reports, as well as its practice of carrying out inquiries into cases where there were indications of the systematic practice of torture in States parties. Recommendations similar to those made by the Commission on Human Rights were adopted by the General Assembly in its resolution 51/86 of 12 December 1996.

IV. CONVENTION ON THE RIGHTS OF THE CHILD

25. As of 1 June 1997, the Convention on the Rights of the Child had been ratified or acceded to by 190 States.

Committee on the Rights of the Child

26. At its thirteenth, fourteenth and fifteenth sessions, held in September-October 1996, January and May-June 1997 respectively, the Committee considered 18 reports submitted under article 44 of the Convention on the Rights of the Child.

27. During its fourteenth session the Committee decided to devote its one day of discussion to the issue of "the child and the media". Representatives of United Nations bodies, specialized agencies and other competent bodies, including non-governmental organizations, media representatives and research and academic organizations, contributed to the discussion and provided expert advice.

28. At its fourteenth session the Committee decided to devote its next thematic debate to the consideration of the rights of children with disabilities. This debate is scheduled to take place on 6 October 1997. A working group was established composed of Mrs. Karp, Mr. Kolosov and Ms. Mason, to prepare an outline for the discussion.

29. In November 1996 the Committee held its fifth informal meeting for two weeks in the northern African region. This meeting was organized in close cooperation with UNICEF, and was designed to ensure wider awareness of the Convention, as well as of the activities of the Committee.

30. In November 1996 the High Commissioner's Plan of Action to strengthen the implementation of the Convention on the Rights of the Child was finalized and sent to States parties to the Convention. Contributions from States have enabled HC/CHR to hire a team of five to assist the Committee members in the performance of their functions, including tasks of follow-up and technical assistance.

31. A meeting of States parties took place on 18 February 1997 at which elections were held. The new members of the Committee, whose term of office expires on 28 February 2001, are Mr. Francesco Paolo Fulci (Italy), Mrs. Nafsiah Mboi (Indonesia), Mrs. Esther Margaret Queen Mokhuane (South Africa) and Mr. Ghassan Salim Rabah (Lebanon). Two members having resigned, they were replaced by Mrs. Awa N'Deze Ouedraogo (Burkina Faso) and by Mrs. Lisbeth Palme (Sweden).

32. At its fifteenth session, six new members of the Committee made their solemn declaration. Also at this session one of the Committee members reported on a meeting of experts, held pursuant to ECOSOC resolution 1996/13, which met on 23-25 February 1997 in Vienna under the auspices of the United Nations Crime Prevention and Criminal Justice Division, to develop a programme of action to promote the effective use and application of international standards and norms in juvenile justice. The draft programme includes a proposal to establish a coordinating panel on technical advice and assistance in juvenile justice, which will consist of representatives of the Committee on the Rights of the Child, the High Commissioner/Centre for Human Rights, the Crime Prevention and Criminal Justice Division, UNICEF, UNDP and other relevant United Nations organizations and specialized agencies, as well as other interested intergovernmental and non-governmental organizations.

A member reported on a conference held in the Swedish Parliament on 28-29 May 1997 and on the adoption of the Stockholm Declaration. Another member reported on a conference held in Amsterdam on 26-27 February 1997 on child labour.

General Assembly

33. By its resolution 51/76 on the girl child, the General Assembly urged all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms. By its resolution 51/77 on the rights of the child, the Assembly focused on the protection of children affected by armed conflict, on refugee and internally displaced children, and on the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography.

Commission on Human Rights

34. The Commission, at its fifty-third session, adopted resolution 1997/78 on the rights of the child. Among other things, the resolution noted the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child, and focused on the girl child, the prevention and eradication of the sale of children and of their sexual exploitation, the protection of children affected by armed conflict, the problems of refugee and internally displaced children, the elimination of child labour, and the plight of street children. The Commission also requested the Secretary-General to appoint for a period of three years a special representative on the impact of armed conflict on children.

V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

35. The persons chairing the human rights treaty bodies discussed issues relating to the effective implementation of international human rights instruments and the improvement of the operation of the relevant human rights treaty bodies at their seventh meeting which was held at the United Nations Office at Geneva from 16 to 20 September 1996. They submitted a report and their suggestions and recommendations to the General Assembly at its fifty-first session (A/51/482).

36. At its fifty-first session the General Assembly adopted resolution 51/87 of 12 December 1996 in which it, inter alia, welcomed the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing and otherwise improving reporting procedures; and requested the Secretary-General to prepare a detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child

and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with a view to identifying duplication of reporting required under these instruments.

37. The Commission on Human Rights at its fifty-third session adopted decision 1997/105 of 3 April 1997, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". It welcomed the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system (E/CN.4/1997/74), and invited the Secretary-General to solicit the views of United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert and to submit a report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, to the Commission on Human Rights at its fifty-fourth session.

VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

38. The Convention, which was adopted by the General Assembly in 1990, will enter into force when 20 States have ratified it. As at 1 June 1997, eight States (Bosnia and Herzegovina, Colombia, Egypt, Morocco, the Philippines, Seychelles, Sri Lanka and Uganda) had ratified or acceded to the Convention and two States (Chile and Mexico) had signed it.

39. In resolution 51/85 of 12 December 1996 the General Assembly, inter alia, called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expressed the hope that the Convention would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and invited the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.

40. The Commission on Human Rights, at its fifty-third session, adopted a similar resolution (1997/14 of 3 April 1997).